

REMARKS

The rejections of:

Claims 10-18 under 35 U.S.C. § 103(a) as obvious over WO/39253, as evidenced by U.S. 6,296,943 (Watanabe et al), and

Claims 10-13 and 16-18 under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over, EP 0909784 (Nissan), are respectfully traversed.

(Reference below to Watanabe et al is to column and line of the U.S. text.)

Independent Claim 17 herein, requires, *inter alia*, as component (B), colloidal particles of a modified metal oxide which have primary particle diameters of from 2 to 100 nm and which contains particles (c) comprising colloidal particles (a) of a metal oxide having primary particle diameters of from 2 to 60 nm, as nuclei, **and a coating material (b) consisting of colloidal particles of an acidic oxide coated on the surface of the particles (a).** (Emphasis added.)

The Examiner finds that the composite sol particles of Watanabe et al and the anhydrous zinc antimonate sol particles of Nissan would each have, at least partially on their surfaces, an acidic oxide coating. Particularly, the Examiner finds, regarding Watanabe et al, that the presence of tin oxide groups in the composite primary sol particles, and/or the embodiment of adding antimony or aluminum oxides under near neutral/alkaline conditions results in surface acidic oxides, and, regarding Nissan, that the zinc antimonate nuclei read on at least a partial coating of the zinc oxide or hydrous zinc oxide on the antimony oxide disclosed therein.

In reply, the Examiner is, in effect, “testifying” as to the presence of an **acidic oxide**. The Examiner has provided no factual support, such as in the form of prior art, or his own Declaration as an expert in this art. Thus, the Examiner provides no support for the finding

that tin and tin oxide groups would be expected to be exposed species on the surface of the primary composite particles of Watanabe et al, which groups would have been expected to be in an equilibrium state having acidic and basic groups at or around the isoelectric point (IEP) of the composite materials; that below said IEP the materials exhibit a net positive charge and above the IEP a net negative charge; that said materials are characterized at a pH of about 7 or a slightly alkaline environment wherein alkyl amines may be employed as the base; and that the composite of materials would be expected to have some acidic oxide at the surface. Nor is there any support for the Examiner's finding that adding antimony or aluminum oxides under near neutral/alkaline conditions results in surface acidic oxides.

Regarding Applicants' reliance on Comparative Composition Example 3 in the specification herein, the Examiner finds that the data therefor "is consistent with the conclusion that some acidic oxide surface groups would be expected for the composite oxide materials," and that this example does not contain antimony oxide or aluminum oxide.

In reply, Applicants continue to maintain that this comparative example demonstrates that the presently-claimed invention differs from Watanabe et al. Regarding the absence of antimony and aluminum oxide therein, the Examiner has not provided any support for the finding that its presence or absence would make a difference.

Regarding Nissan, and as Applicants have previously argued, the disclosure relied on by the Examiner is with regard to the formation of zinc antimonate nuclei (column 4, line 12ff), which are produced by mixing a zinc compound as described, and the colloidal antimony oxide (column 3, lines 42-53). Nissan neither discloses nor suggests the presently-recited coating material (B) consisting of colloid particles of an acidic oxide coated on the surface of their zinc antimonite colloid nuclei particles.

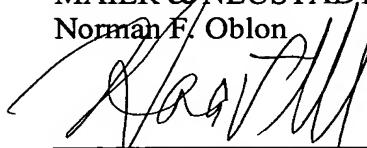
For all the above reasons, it is respectfully requested that the rejections be withdrawn.

All of the presently-pending claims in this application are believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Norman F. Oblon



---

Harris A. Pitlick  
Registration No. 38,779

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)

NFO:HAP\la